

UNITED STATES DISTRICT COURT  
DISTRICT OF VERMONT

CRAIG PIFER  
Plaintiff

v.

IMERYS TALC VERMONT, INC.,  
and MAGRIS TALC USA, INC.

Defendants

C.A. NO.:

23-CV-35

**MOTION FOR REMOVAL BY DEFENDANT, IMERYS TALC VERMONT, INC.**

TO THE JUDGE OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT  
OF VERMONT:

The motion of defendant, Imerys Talc Vermont, Inc., (hereinafter “defendant”), by its attorneys, Boyle | Shaughnessy Law P.C., for removal of this action from the Vermont Superior Court, Windsor Unit, to the United States District Court for the District of Vermont, respectfully shows:

FIRST: That the petitioners herein are defendants in a civil action brought against them in the Windsor Superior Court of the State of Vermont, entitled “Craig Pifer v. Imerys Talc Vermont, Inc., and Magris Talc USA, Inc.” This action bears Civil Action No.: 23-CV-00079.

SECOND: That the subject action was commenced by the filing of a Complaint alleging negligence against the defendants, on or about January 6, 2023. (See the *Complaint* attached hereto as **Exhibit A.**)

THIRD: The defendant filed a responsive pleading to the Plaintiff’s Complaint on or about January 31, 2023. (See *Answer of the Defendant, Imerys Talc Vermont, Inc.*, attached hereto as **Exhibit B.**)

FOURTH: That as set forth in the Complaint, the plaintiff is an individual who resides in the State of Indiana.

FIFTH: The defendant, Imerys Talc Vermont, Inc., is a Georgia corporation registered to do work in the State of Vermont with a principal place of business located at 100 Mansell Court East, Suite 300, Roswell GA, 30076.

SIXTH: The defendant, Magris Talc USA, Inc., is a Colorado corporation registered to do work in the State of Vermont with a principal place of business located at 8051 E. Maplewood Avenue, Greenwood Village, CO, 80111.

SEVENTH: As demonstrated by and through Plaintiff's Original Petition, at paragraph 14, the matter in controversy alleges permanent impairment and disfigurement that could exceed seventy-five thousand and 00/100 dollars (\$75,000). (See the *Complaint* attached hereto as **Exhibit A.**)

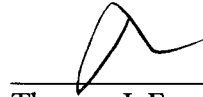
EIGHTH: That, by reason of the above, the above-captioned action is a civil action brought in a state court of which the United States District Courts have original jurisdiction under the provisions of Title 28, U.S.C. Section 1332, and is one which may be removed to this Court by the petitioner, a defendant therein, pursuant to the provisions of Title 28, U.S.C. Section 1332(a) and Sections 1441 and 1446.

NINTH: There is diversity of citizenship under 28 U.S.C. § 1332 (a), where one defendant is a Georgia corporation with a principal place of business in Georgia, the other defendant is a Colorado corporation with a principal place of business in Colorado, and the plaintiff is a resident of Indiana.

WHEREFORE, the petitioner prays that this cause proceed in this Court as an action properly removed thereto.

THE DEFENDANT,  
IMERYS TALC VERMONT, INC.  
BY ITS ATTORNEY,

DATED: 2.1.23



---

Thomas J. Fay, Esq., Bar No. 5022  
[tfay@boyleshaughnessy.com](mailto:tfay@boyleshaughnessy.com)  
Boyle | Shaughnessy Law PC  
46 Lincoln Corners Way, Suite 1  
Woodstock, VT 05091  
Phone: 802-255-2700

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that this document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on this 1st day of February 2023.

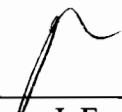
***Counsel for the Plaintiff***

Jack T. Spicer, Esq.  
jspicer@promotingjustice.com  
21710 Maxham Meadow Way, Suite 2-A  
Woodstock, Vermont 05091

***Counsel for the Co-Defendant***

Ethan McNaughton, Esq.  
emcnaughton@gwlpc.com  
Lamb & McNaughton, PC  
30 Main Street, Suite 1 / P.O. Box 860  
Springfield, VT 05156

SIGNED UNDER THE PENALTIES OF PERJURY THIS 1st DAY OF FEBRUARY 2023.



---

Thomas J. Fay, Esq., Bar No. 5022  
[tfay@boyleshaughnessy.com](mailto:tfay@boyleshaughnessy.com)  
Boyle | Shaughnessy Law PC  
46 Lincoln Corners Way, Suite 1  
Woodstock, VT 05091  
Phone: 802-255-2700